IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Criminal Appellate Side

Criminal Application No. 3650 of 2005
in
Criminal Appeal No.1331 of 2004

Nissar Khan Nasir Khan ..Applicant

vs.

The State of Maharashtra ..Respondent

Shri A.H.H.Ponda for applicant
Shri Y.S.Shinde, A.P.P. for respondent.

CORAM: A.M.KHANWILKAR J.
29th NOVEMBER, 2005

P.C.

. Heard counsel for the parties.

. This is the second application for bail. The first application was rejected by this Court on 8th December, 2004 on merits with liberty to the applicant to renew the request for bail if the appeal was not heard within six months. Pursuant to the said liberty the present application has been filed.

. The appeal is of the year 2004. The applicant has been convicted for the offence punishable under section 307 read with sec.34 of I.P. C.

and sentenced to suffer rigorous imprisonment for five years. The applicant has already undergone over 21 months in jail i.e. around two years. The applicant was on bail during pendency of the trial. There is nothing on record to indicate that the applicant has misused the bail. It is not likely that the appeal will be heard in near future. Presently appeals of prior 1995 are pending for hearing. In this background in the interest of justice I am inclined to release the applicant on bail but on the following strict conditions.

1. The applicant shall furnish personal bond in the sum of Rs.20,000/- with one or two local sureties for the like amount.

2. The applicant shall not enter the district of Mumbai during the pendency of the appeal except with prior permission of this Court and to attend the hearing of the appeal when the same is placed on board for that purpose. The applicant shall report his latest address to the investigating officer. In addition, the applicant shall report to the nearest police station where he would stay during the appeal period once in a month on first

Monday of every English calender month.

3. The applicant shall deposit his passport, if any, with the investigating officer. If he does not possess any passport then he shall file affidavit to that effect.

. Application is disposed of accordingly.[[A